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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,349	03/24/2004	Tatsuyoshi Maruyama	023484-0162	5377

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EXAMINER

WUJCIAK, ALFRED J

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 07/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/807,349

Applicant(s)

MARUYAMA ET AL.

Examiner

Alfred Joseph Wujciak III

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-8, 10 and 13-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8 and 19-22 is/are allowed.
- 6) ☒ Claim(s) 2-6, 10, 13-18, 23, 24, 26-28 and 33 is/are rejected.
- 7) ☒ Claim(s) 7, 25 and 29-32 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This is the non-final Office Action for the serial number 10/807,349, STRUCTURE FOR FIXING STEERING-GEAR HOUSING, filed on 3/24/04.

Some of allowability claims from the previous office action have been withdrawn in view of new ground rejection, any inconvenience is regretted.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2-3, 14-15 and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 2, lines 2-3, and claim 3, line 3, "the steering-gear housing" is indefinite because it cites combination/subcombination problem. "The steering-gear housing" is not being positively cited in claim 13.

Claim 14, lines 2-3, and claim 15, line 3, "the steering-gear housing" is indefinite because it cites combination/subcombination problem. "The steering-gear housing" is not being positively cited in claim 4.

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Claim 27, line 2, "the vehicle-body member" is indefinite because it cites combination/subcombination problem. "The vehicle-body member" is not being positively cited in claim 24.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

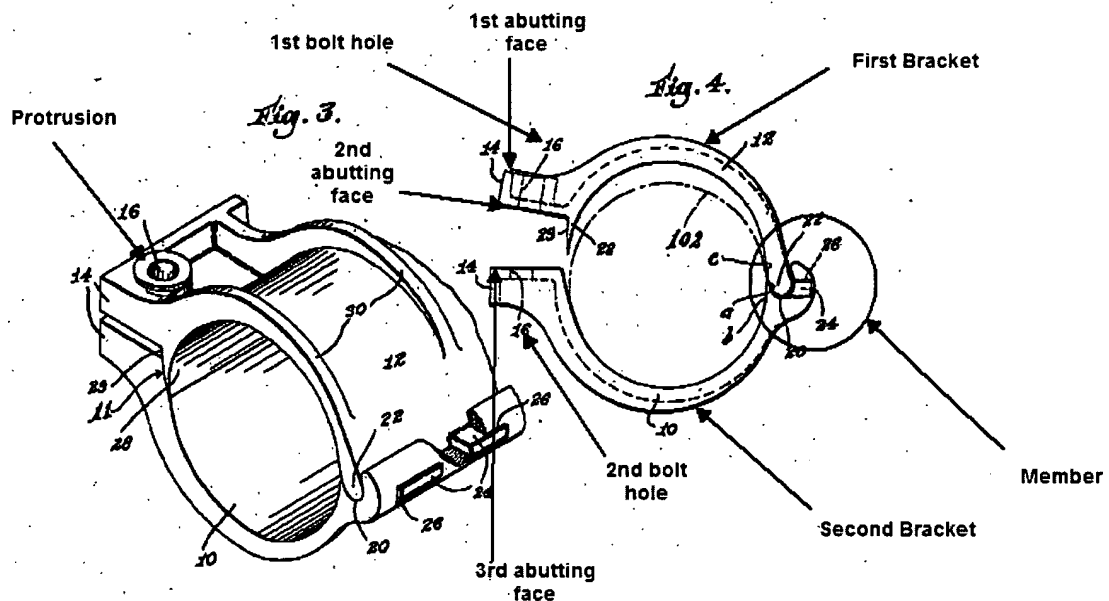
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 4, 6, 13, 16, 18, 23-24, 26-28 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent # 1,928,316 to Muto.

Muto teaches a structure comprising a first bracket (top part of 14) including a first supporting face (concave part of 14), a first abutting face, a first bolt hole (16) arranged through the first abutting face and a second abutting face arranged axially opposite to the first abutting face through the first bolt hole. The structure includes a second bracket (bottom part of 14) comprising a second supporting face (concave part of bottom 14), third abutting face that is arranged at one circumferential end and that abuts the second abutting face and a second bolt hole (16 of the second bracket) that is smaller in an axial length than the first bolt hole. The structure includes a member/means for securing (20, 22, 24, 26) that secures another circumferential end of the first bracket and another circumferential end of the second bracket. The structure further includes a bolt/means to clamp (18) that is arranged from the second bolt hole through the first bolt hole and that is configured to be inserted through a third bolt hole to clamp first and second bracket together. The first bracket includes a protrusion that is arranged

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at an edge of the first abutting face. The structure includes a cylindrical resilient material (102) that is configured to be arranged between the first and second brackets.



Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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Claims 2-3, 10 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muto.

Muto teaches a structure comprising a first bracket (top part of 14) including a first supporting face (concave part of 14), a first abutting face, a first bolt hole (16) arranged through the first abutting face and a second abutting face arranged axially opposite to the first abutting face through the first bolt hole. The structure includes a second bracket (bottom part of 14) comprising a second supporting face (concave part of bottom 14), third abutting face that is arranged at one circumferential end and that abuts the second abutting face and a second bolt hole (16 of the second bracket) that is smaller in an axial length than the first bolt hole. The structure includes a member (20, 22, 24, 26) that secures another circumferential end of the first bracket and another circumferential end of the second bracket. The structure further includes a bolt (18) that is arranged from the second bolt hole through the first bolt hole and that is configured to be inserted through a third bolt hole to clamp first and second bracket together. The first bracket includes a protrusion that is arranged at an edge of the first abutting face. The structure includes a cylindrical resilient material (102) that is configured to be arranged between the first and second brackets.

In regards to claim 10, Muto teaches the cylindrical resilient material but fails to teach the cylindrical resilient material is formed with an incision. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified cylindrical resilient material with incision to improve tighten connection between the first and second brackets when being tightened by fastener.

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In regard to claims 2 and 14, Muto teaches the first bolt hole but fails to teach the length of first bolt hole is larger than a radius of the steering-gear housing. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified the length of the first bolt hole to provide designer's choice for the length of the bolt hole in the first bracket.

In regard to claims 3 and 15, Muto teaches the second bolt hole but fails to teach the second bolt hole comprises slot which is longer in a direction substantially orthogonal to an axial direction of the steering-gear housing. It would have been obvious for one of ordinary skill in the art at the time the invention was made to have included slot in second bolt hole to provide convenience for adjusting the second bracket adjacent to first bracket when the bolt is being tightened.

Claims 5 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muto in view of US Patent # 4,020,531 to Ahrens et al.

Muto teaches the second bracket but fails to teach the second bracket is formed out of a sheet resilient material. Ahrens et al. teaches the bracket (8') is formed out of a sheet resilient material (col. 6, lines 60-61). It would have been obvious for one of ordinary skill in the art at the time the invention was made to have modified Muto's second bracket with sheet resilient material as taught by Ahrens et al. to provide flexibility in the bracket for mounting on a movable cylindrical object.

Response to Arguments

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Applicant's arguments with respect to claims 2-6, 10, 13-18, 23-24, 26-28 and 33 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

Claims 8 and 19-22 are allowed.

Claims 7 and 25, 29-32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In regards to claims 7 and 19-22, the prior art fails to teach wherein the resilient member is formed with a protrusion on an outer periphery and wherein one of the first and second supporting faces is formed with a concave engaged with the protrusion. In regards to claim 8, the prior art fails to teach wherein the concave of one supporting face is arranged at a connection between the first and second brackets. In regard to claims 15 and 29-32, the prior art fails to teach the structure includes the vehicle-body member and the steering-gear housing.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alfred Joseph Wujciak III whose telephone number is (571) 272-6827. The examiner can normally be reached on 8am-4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on (571) 272-6815. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

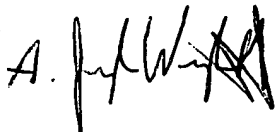
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alfred Joseph Wujciak III

Examiner

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7/24/06

A handwritten signature in black ink, appearing to read 'A. J. Wujciak III', with a stylized flourish at the end.